



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels
HOME.A.4/CCM

**By registered letter with
acknowledgment of receipt**

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Subject: Your application for access to documents – GESTDEM 2020/3992

Dear Madam,

We refer to your e-mail of 1 July 2020 in which you make a request for access to documents, registered on 1 July 2020 under the above-mentioned reference number.

You requested “*documents from persons or bodies regarding the fundamental rights violations related to border control operations in the area of Greek-Turkish land-border, including (but not limited to):*”

- a) incidents of alleged collective expulsions (pushbacks);*
- b) deaths attributed to life fire by the Greek forces (police and army);*
- c) use of violence against migrants;*
- d) the suspension of asylum law by the Greek government in March 2020; and*
- e) other violations of EU asylum law (for example, failure to register third country nationals to the EURODAC database)”.*

Following the clarification of the request sent the 30 July 2020, the scope of the application is limited to documents drafted during the period 27 February 2020 - 30 July 2020, issued by Commission’s officials identified in your clarification. We understand the points a) to e) above as examples of documents requested, falling under the cumulative criteria referred to in the first sentence of your request (“fundamental rights

violations related to border control operations in the area of the Greek Turkish land-border”, underlined by us).

We have therefore identified the following documents to fall within the scope of your application:

1. Letter from Monique Pariat to Greek Ministers Chrysochoidis (Minister of Citizen Protection) and Plakiotakis (Minister for Maritime Affairs and Insular Policy) on alleged pushbacks at the Greek Turkish land and sea border - 29/6/2020, Ref. Ares(2020)3400905; - This document is fully released with exception of protection of personal data (see below). It contains paragraphs, which are out of scope of your request, appearing as redacted in the released document.

2. Letter from Monique Pariat on the situation of refugees in Greece and violations of human rights at the Greek-Turkish border – 15/06/2020, Ref. Ares(2020)3095976 – This document is fully released with exception of protection of personal data (see below). It contains paragraphs, which are out of scope of your request, appearing as redacted in the released document.

3. Letter from Monique Pariat on the incidents at the Greece-Turkey sea border and relevant media reports – 12/8/2020, Ref. Ares(2020)4223050 – This document is fully released with exception of protection of personal data (see below).

4. Letter to Greek Minister of Migration Notis Mitarachi from Ylva Johansson regarding the one month suspension of the processing of asylum claims and the Commission’s further support on key measures such as an enhanced assisted voluntary returns scheme as well as the relocation of unaccompanied minors from Greece – 19/3/2020 – Ref.Ares(2020)1662277 – This document is fully released with exception of protection of personal data (see below). It contains paragraphs, which are out of scope of your request, appearing as redacted in the released document.

5. Letter to Cornelia Ernst (Member of the European Parliament) from Ylva Johansson regarding the incident at the Greek-Turkish sea border – 14/7/2020, Ref. Ares(2020)3714889 – This document is fully released with exception of protection of personal data (see below).; and

6. Letter to Dietmar Köster (Member of the European Parliament) from Ylva Johansson regarding the incident at the Greek-Turkish sea border and media reports – 22/7/2020, Ref. Ares(2020)3864807 – This document is fully released with exception of protection of personal data (see below).

Having examined the documents requested under the provisions of Regulation (EC) n°1049/2001 regarding public access to documents, I have come to the conclusion that all documents may be fully disclosed with the exception of personal data contained therein.

A complete disclosure of the identified documents is prevented by the exception concerning the protection of privacy and the integrity of the individual outlined in Article 4(1)(b) of Regulation (EC) n°1049/2001, because they contain the following personal data:

- The names/initials and contact information of Commission staff members not pertaining to the senior management,
- The names/initials and contact details of other natural persons,
- Handwritten signatures/abbreviated signatures of natural persons.

Article 9(1)(b) of the Data Protection Regulation does not allow the transmission of these personal data, except if you prove that it is necessary to have the data transmitted to you for a specific purpose in the public interest and where there is no reason to assume that the legitimate interests of the data subject might be prejudiced. In your request, you do not express any particular interest to have access to these personal data nor do you put forward any arguments to establish the necessity to have the data transmitted for a specific purpose in the public interest.

Consequently, we conclude that, pursuant to Article 4(1)(b) of Regulation (EC) n°1049/2001, access cannot be granted to the personal data contained in the requested documents, as the need to obtain access thereto for a purpose in the public interest has not been substantiated and there is no reason to think that the legitimate interests of the individuals concerned would not be prejudiced by disclosure of the personal data concerned.

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Yours faithfully,

[e-signed]

Monique PARIAT

Enclosed Documents:6.